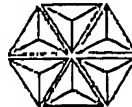


TELECOPIER TRANSMISSION

BRISTOL-MYERS SQUIBB COMPANY  
Legal Division  
P.O. Box 5100  
5 Research Parkway  
Wallingford, CT 06492-7660

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AUG 31 2006

OFFICE OF PETITIONS

TO: USPTO Commissioner for Patents (Alexandria, VA)
TELECOPIER NO: 9-1-571-273-0025
FROM: Jennifer C. Chapman
TELECOPIER NO: 203-677-6900
TOTAL NUMBER OF PAGES INCLUDING THIS ONE: 8
DATE: 8/31/06

IN RE APPLICATION OF: Wang, Tao et al

EXAMINER: Yong Liang Chu

APPLICATION NO: 10/762,108

ART UNIT: 1626

FILED: January 21, 2004

FOR: Indole, Azaindole and Related Heterocyclic 4-Alkenyl Piperidine Amides

DOCKET: CT2731A CIP1

Sir:

Enclosed are the following documents:

- (1) Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) dated August 31, 2006
- (2) Fee Letter for Unintentional Abandonment dated August 31, 2006 (in duplicate)
- (3) Response to Restriction Requirement and Election of Species dated August 31, 2006 to Office Action dated November 15, 2005

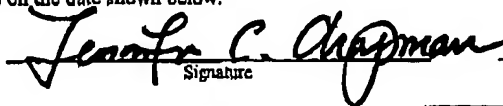
Jennifer Chin Chapman  
Attorney for Applicants  
Reg. No. 47,487  
Bristol-Myers Squibb Company  
Patent Department  
Wallingford, CT  
(203) 677-5644

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being facsimile transmitted to fax no. 571-273-0025 at the United States Patent and Trademark Office on the date shown below.

Jennifer Chin Chapman

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August 31, 2006

Date

PTO/SB/64 (08-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

CT-2731A CIP1

First named inventor: TAO WANG, ET AL

Application No.: 10762,108

Art Unit: 1625

Filed: 01/21/2004

Examiner: BALL, ROBERT J.

Title: INDOLE, AZAINDOLE AND RELATED HETEROCYCLIC 4-ALKENYL PIPERIDINE AMIDES

**FAX RECEIVED****AUG 31 2006****OFFICE OF PETITIONS**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-0025

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice of action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Reply (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0951-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

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4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Jennifer C. Chapman  
Signature

August 31, 2006  
Date

Jennifer C. Chapman Ph.D.

Typed or printed name

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

47,487

Registration Number, if applicable

203-677-5644

Telephone Number

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-0025

August 31, 2006  
Date

Jennifer C. Chapman  
Signature

Jennifer C. Chapman

Typed or printed name of person signing certificate

CT2731A-CIP1

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Jennifer C. Chapman  
Type or print name

*Jennifer C. Chapman*  
Signature

August 31, 2006  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**

IN RE APPLICATION OF  
**WANG, TAO ET AL.**  
APPLICATION NO: **10/762,108**  
FILED: **01/21/2004**  
FOR: **INDOLE, AZAINDOLE AND RELATED HETEROCYCLIC 4-ALKENYL PIPERIDINE AMIDES**

ART UNIT: **1625**  
EXAMINER: **BALL, ROBERT J.**

**AUG 31 2006****OFFICE OF PETITIONS**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FEE LETTER FOR UNINTENTIONAL ABANDONMENT**

Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$1500 for payment of the fee pursuant to 37 CFR §1.17(m) for the Revival of Patent Application Unintentionally Abandoned. Under 37 CFR 1.137 (b).

An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

Date: August 31, 2006

*Jennifer C. Chapman*  
Jennifer C. Chapman, Ph.D.

Attorney for Applicant  
Reg. No. 47,487  
Phone: 203-677-5644

CT2731A-CIP1

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Jennifer C. Chapman  
Type or print name

*Jennifer C. Chapman*  
Signature

August 31, 2006  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**

IN RE APPLICATION OF  
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An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

Date:

*August 31, 2006*

*Jennifer C. Chapman*  
Jennifer C. Chapman, Ph.D.

Attorney for Applicant  
Reg. No. 47,487  
Phone: 203-677-5644

CT2731A-CIP1

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Jennifer C. Chapman  
Type or print name

*Jennifer C. Chapman*  
Signature

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**OFFICE OF PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES**

Sir:

This submission is in response to the Office Action mailed November 15, 2005 ("Office Action"). This application was unintentionally abandoned. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) is submitted currently herewith along with the required fee.

No additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

CT2731A-CIP1

**REMARKS**

No amendment has been made. Claims 1-93 are pending. Claims 90-93 are withdrawn from consideration.

CT2731A-CIP1

**1. Restriction Requirement**

The Office Action requires restriction to one of the following Groups (I-II) under 35 U.S.C.

121:

Group I: Claims 1-89 drawn to compounds and compositions of formula I, classified in classes 546 and 548; and

Group II: Claims 90-93 drawn to methods of treatment, classified in class 514.

In response, Applicants elect Group I.

**2. Election of Species**

The Office Action also requires an election of a single compound. In response, Applicants elect the compound of Example 2 (see e.g., page 154 and page 259 of the specification).

In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification to such actions is earnestly sought. Should any issues in connection with the Office Action remain, the Examiner is invited to telephone the undersigned at (203)677-5644.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
203-677-5644

  
Jennifer C. Chapman, Ph.D.  
Attorney for Applicants  
Reg. No. 47,487

Date: August 31, 2006